

DT 01-147

VERIZON NEW HAMPSHIRE/NOS COMMUNICATIONS, INC.

Order Nisi Approving Interconnection Agreement

O R D E R N O. 23,799

October 8, 2001

On July 18, 2001, Verizon New England d/b/a Verizon New Hampshire and NOS Communications, Inc. (NOS) jointly filed with the New Hampshire Public Utilities Commission (Commission) a negotiated Interconnection Agreement (Agreement). The Agreement was filed for approval pursuant to section 252(e) of the Telecommunications Act of 1996 (TAct).

NOS has filed for Competitive Local Exchange Carrier status with this Commission and has been assigned Docket No. DT 01-069. NOS is certified as a Toll Provider in New Hampshire under Order No. 20,544.

This Agreement is a comprehensive set of terms and conditions that will facilitate the entry of NOS as a competitive local exchange carrier (CLEC) in New Hampshire. The initial term of the agreement expires on June 4, 2003. However, absent sixty days prior written notice from either party, the Agreement remains in effect beyond the initial term. Subsequent to the initial term, the Agreement may be terminated by prior written notice from either party.

This Agreement provides, inter alia, for transmission/routing of exchange service traffic and exchange access traffic, transmission/termination of other types of traffic and joint network configuration. It further provides for unbundled access, resale, co-location, number portability, dialing parity, access to rights-of-way, access to data bases, and directory assistance service. The parties will exchange technical and traffic information which will be kept proprietary; each party will maintain facilities within its own network and will not interfere with the other party's systems.

The parties agree to jointly engineer, plan and operate a diverse transmission system with which they will interconnect their respective networks. The Agreement specifies the designation of interconnection points, provides for a joint grooming plan, and provides for the physical interface of facilities.

The interoffice facilities are priced on an unbundled basis to allow for use with other unbundled network elements, thus creating numerous facilities-based and/or resale options to NOS in the provisioning of exchange and exchange access services. The Agreement also includes detailed unbundling of local outside plant and central office

facilities that would allow NOS to provide digital and other high-tech services without extensive revisions to the Agreement.

Prices in this filing are virtually the same as those in previously approved non-cellular interconnection agreements for the services/elements that are common. Staff points out that the TAct does not require that a telecommunications company sell each service/element for the same price or terms to each requesting party.

The Commission Staff has recommended approval of the Agreement between NOS and Verizon based upon a review of the petition and the Agreement.

We have reviewed the filing and find it meets the standards of section 252(e)(2)(A) of the TAct for approval of a negotiated Agreement. The Agreement does not appear to be discriminatory to any carrier not a party to the negotiations and is consistent with the public interest, convenience, and necessity. We will approve it on a nisi basis in order to provide any interested party an opportunity to submit comments or request a hearing pursuant to RSA 374:26.

We note that NOS may purchase services or unbundled elements that may not be covered in this interconnection agreement from Verizon's Statement of

Generally Available Terms (SGAT) and its subsequent revisions that is in effect per Order No. 22,692, subject to continued review pursuant to Section 252(f)(4) of the TAct.

In order to promote the continued growth of competitive telecommunications services in New Hampshire, we will require NOS to comply with our notice requirements regarding Fresh Look opportunities. The recommended method for giving notice is to provide the Commission with a contemporaneous copy of the Confirmation of Code Activation form which is used to notify the North American Numbering Code Administrator.

As new competitors enter the telecommunications market, we recognize that New Hampshire's 603 area code encounters greater and greater demand. Accordingly, we will require that NOS request and use numbers responsibly and conservatively, and invite NOS to explore alternative mechanisms to use existing numbers as efficiently as possible. In approving this Agreement, we require NOS to comply with our orders on number conservation including Order No. 23,385 issued January 7, 2000, and Order No. 23,392 issued January 27, 2000, as well as further orders issued by the Commission concerning this matter.

Based upon the foregoing, it is hereby

ORDERED NISI, that the Interconnection Agreement negotiated between NOS Communications, Inc. and Verizon New Hampshire is approved; and it is

FURTHER ORDERED, that NOS is required to comply with our Order No. 23,385 issued January 7, 2000, Order No. 23,392 issued January 27, 2000, and further orders issued by the Commission concerning number conservation; and it is

FURTHER ORDERED, that NOS is prohibited from placing any orders under this agreement and from otherwise doing business in New Hampshire until such time as NOS has obtained necessary authority from the Federal Communications Commission and this Commission as may be required by applicable law. *See, e.g.,* NH RSA 374:22; and it is

FURTHER ORDERED, that NOS will notify the Commission within ten days of making their first facility-based commercial call in any exchange that has not already been opened to a "Fresh Look" opportunity as ordered in Docket DE 96-420; and it is

FURTHER ORDERED, that the Petitioner shall cause a copy of this Order Nisi to be published once in a statewide newspaper of general circulation, such publication to be no

later than October 18, 2001 and to be documented by affidavit filed with this office on or before November 1, 2001; and it is

FURTHER ORDERED, that all persons interested in responding to this petition be notified that they may submit their comments or file a written request for a hearing on this matter before the Commission no later than October 25, 2001; and it is

FURTHER ORDERED, that this Order Nisi shall be effective November 7, 2001, unless the Commission provides otherwise in a supplemental order issued prior to the effective date.

By order of the Public Utilities Commission of New Hampshire this eighth day of October, 2001.

Douglas L. Patch
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Thomas B. Getz
Executive Director and Secretary

DT 01-147

-7-